

# State of Maine Waiver of Competitive Bidding Request Form

**Form Instructions:** Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

<b>DHHS/DCM Contract Administrator:</b>	Shawn Belanger Ryan Roberts	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OFI/DSER
<b>Est. Contract Amount:</b>	Amendment Amount: \$809,424 Revised Total Amount: \$16,840,320	<b>Contract or RQS Number:</b>	CT-10A-20130430*3510
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	OIT-13-068E
<b>Proposed Start Date:</b>	<b>5/1/2013</b>	<b>Proposed End Date:</b>	12/31/2019
<b>Vendor/Provider Name, City, State</b>	Protech Solutions, Inc. Little Rock, Arkansas		
<b>Short Description of Good or Service:</b>	Maintenance and support of the CSEME (Child Support Enforcement Maine) System		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.</b>		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>06/04/2019</u> To: <u>06/10/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620190827	
<b>1. Statutory Justification</b>			
State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.			
<input type="checkbox"/>	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		
<input type="checkbox"/>	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;		
	<i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<input checked="" type="checkbox"/>	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the State from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;		
	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Procurement Services "GOVCOOP" form, found here: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		

# State of Maine Waiver of Competitive Bidding Request Form

	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;
	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:

**Please note that the following four points below (#2 through 5) all require a response.**

**2. Description of Specific Need**

Please identify, and fully describe, the specific problem, requirement, or need the resulting non- competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

Pursuant to the Family Support Act of 1988, Congress mandated that all state child support enforcement programs implement automated and certified systems. Failure to do so would eliminate the federal matching funds and incentive awards used by Maine to fund the child support program. DSER collects more than 100 million dollars annually. Maine's initial mainframe system was developed in 1990 and migrated to a web-based system (CSEME) in 2012 pursuant to a contract awarded to Protech Solutions Inc. CSEME was expanded to include portals for gambling offsets, new hire reporting and client usage, as well as a performance analytics component, trends and analysis for systems data and performance, and interfaces with other state agencies and the Federal Office of Child Support Enforcement. A maintenance and operations contract to provide the necessary resources for CSEME is critical to the operations and success of Maine's Division of Support Enforcement & Recovery.

**3. Availability of other Public Resources**

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

Sufficient staffing, resources, or expertise is not available within the State of Maine's government.

**4. Cost**

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The anticipated cost for this contract extension is based upon the current contracted costs for the maintenance and operations of the CSEME system for an additional 6 months to allow for the finalization of the competitive bid process. The cost has not increased since first negotiated in 2013 and were determined to be in line with market rates for child support enforcement systems work across the country. Protech Solutions developed and maintains several State systems, and the hourly and change order rates were compared to ensure the price is in line.

**5. Future Competition**

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

# State of Maine Waiver of Competitive Bidding Request Form

**6. Uniqueness**

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The contractor selected for maintenance and support provided the original system through a competitive RFP process (RFP 200812342). This waiver request will allow DSER to utilize the current vendor for up to an additional 6 months to provide the essential maintenance and support services needed for the child support automated system. This coupled with the fact that the current vendor has a one (1) year warranty remaining on some of the most recently deployed components of the system and may be still needed for periodic updates to these components lead the DHHS to believe the current vendor represents the best value to the State for the service provided.

**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

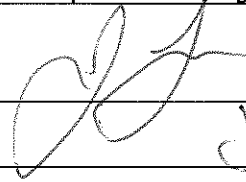
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

N/A

**Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):**

*By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.*

**Printed Name:**

  
 Jim Lapostoly  
 1 - May - 19

**Date:**